

24 October 2012

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The Sargood Centre
C/- Sandrick Pty Ltd Po Box 8232
BAULKHAM HILLS NSW 2153

Dear Sir/Madam

Application Number: Mod2012/0141
Address: Lot 202 DP 1100018
1 Brissenden Avenue
COLLARROY NSW 2097
Proposed Development: Modification of Development Consent DA2006/0896 granted for
Construction of a spinal cord injuries residential health care
rehabilitation facility

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's eServices website at www.warringah.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on (02) 9942 2111 or via email quoting the application number, address and description of works to council@warringah.nsw.gov.au

Regards,

Alex Keller
Development Assessment Officer

NOTICE OF DETERMINATION

Application Number:	Mod2012/0141
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	The Sargood Centre
Land to be developed (Address):	Lot 202 DP 1100018 , 1 Brissenden Avenue COLLAROY NSW 2097
Proposed Development:	Modification of Development Consent DA2006/0896 granted for Construction of a spinal cord injuries residential health care rehabilitation facility

DETERMINATION - APPROVED

Made on (Date)	18/10/2012
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Modify Condition 1 - Approved Plans and Supporting Documentation, to read as follows:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan DA-001	3/7/12	WMK Architects
Basement Floor Plan DA-100	3/7/12	WMK Architects
Level 1 Floor Plan DA-101	3/7/12	WMK Architects
Level 2 Floor Plan DA-102	3/7/12	WMK Architects
Elevation's DA-501	3/7/12	WMK Architects

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Drawing Schedule 11954 DA C000 Rev 02	29/6/12	Henry and Hymas
Basement Level 11954 DA C102 Rev 03	5/7/12	Henry and Hymas
Level 1 11954 DA C101 Rev 3	5/7/12	Henry and Hymas
Level 2 11954 DA C100 Rev 2	29/6/12	Henry and Hymas

Catchment Plan 11954 DA C250 Rev 1	29/5/12	Henry and Hymas
Miscellaneous Details and Pit Lid Detail 11954 DA C200 Rev 01	29/5/12	Henry and Hymas

Reports / Documentation – All recommendation's and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Investigation 25599SBprt	11 April 2012	(EIS) Jeffery and Katauskas Pty Ltd
Groundwater Seepage Control 25599SBlet	6 June 2012	(EIS) Jeffery and Katauskas Pty Ltd
Arboricultural s.96 Development Impact Assessment	May 2012	Urban Forestry Australia
Section 96 Access Report	3 July 2012	Access Australia

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Landscape Master Plan	July 2012	Oculus
Landscape Master Lighting Plan	July 2012	Oculus
Courtyard Elevation's	July 2012	Oculus
Facade Elevation's	July 2012	Oculus
Sections Plan	July 2012	Oculus
Typical Details and Indicative Plantings	July 2012	Oculus

Sediment Control Plan - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Sediment and Erosion Control 11954 DA SE01 Rev 01	May 2012	Henry and Hymas
Sediment and Erosion Control Typical Sections and Details 11954 DA SE02 Rev 01	May 2012	Henry and Hymas

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

B. Delete Condition 3 - Landscaping Plan, as follows:

3. [Deleted]

C. Modify Condition 9 - Submission and Approval of Engineering plans for Road Works within Birdwood Avenue, to read as follows:

9. Submission and Approval of Engineering plans for Road Works within Birdwood Avenue, Brissenden Avenue and Beach Road

The submission to Warringah Council Development Engineering for approval in writing under Section 138 of the *Roads Act 1993* of Civil Engineering plans for the design and construction of kerb and gutter, road pavement, stormwater and associated footpath works, (including long sections and cross sections of structures and specification's) required as follows:

i) Removal and reconstruction of damaged kerb & gutter from Council's pit in Birdwood Ave, including the construction of a standard layback and vehicular crossing 6.0 wide to the basement car park. The driveway design shall comply with Council's Vehicular Crossing Profile and Design Guidelines. The new crossing must ensure that the existing crossing servicing No.19 Birdwood Avenue is not compromised and shall be located at least 3m away from the Norfolk Island Pine tree near the North west corner of the site.

ii) The stormwater pipe from the development shall be connected to pit at the gutter line and thence via 375 mm RCP pipe to Council's pit. The drainage pipe line is recommended to be located at least 4.0 m away from the Norfolk Island Pine tree and tree root mapping details are to be included to avoid cutting tree roots greater than 50mm where possible for the pipe line construction.

iii) The proposed restricted parking zone in front of the pedestrian entry in Beach Road is to be deleted from the plans.

iv) The proposed raised threshold at the intersection of Beach Road and Brissenden Avenue is to be deleted from the plans.

v) Engineering design plans are to be submitted to Warringah Council for the footpath in Beach Road to be widened to 1.5 m and extended to the northern end of the road.

vi) A new pram ramp at the intersection of Beach Road and Brissenden Ave is to be constructed and is to be included on the engineering design plans. No other additional access ramps will be permitted in Brissenden Ave or Beach Road.

The above design work shall be subject to:

(a) Prepared and submitted on A1 Size sheets, undertaken by a Consulting Civil Engineer

(b) All civil works shall be designed and built in accordance with Councils current specification for engineering works - AUSPEC 1. Council reserves the right of keeping all bonds on infrastructure works for a 6 month defects liability period.

(c) The applicant shall reconstruct all affected kerb and gutter, bitumen reinstatement, adjust all vehicular crossings for paths grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost.

(d) Approved and stamped by Council prior to the issue of the Construction Certificate for these works and will be subject to Development Engineering Fees in accordance with Council's fees and charges schedule.

(e) The applicant shall reconstruct all affected kerb and gutter, bitumen reinstatement; adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost.

(f) Approved and stamped by Council or the Accredited Certifier (Civil Works) prior to the issue of the Construction Certificate for these works,

(g) Upon completion of the works, the applicant is to provide to Council or Accredited Certifier (Civil Works) 2 copies of "work as executed plans" (overdrawn in red on a copy of the approved plans). The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the applicant is to provide to Warringah Council in an approved format details of all public infrastructure created as part of the works.

(h) All civil works in Birdwood Avenue and Beach Road are to be fully supervised by the consultant responsible for their design, and on completion certified to be in accordance with the approved plans, conditions of construction and Council's standard specification for engineering works. A Compliance Certificate is to be issued by Council/Accredited Certifier (Civil Works) for any drainage diversion works prior to the release of the Final Occupation Certificate. If Council is to issue the Compliance Certificate for the drainage works, the fee payable is to be in accordance with Council's fees and charges.

(i) A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specification's, or as would reasonably be expected under the design conditions.

Details to be provided on the plans to the satisfaction of Warringah Council prior to the issue of the Construction Certificate.

Reason: To ensure compliance of engineering works with Council's specification for engineering works.

D. Modify Condition 12 - Bond for Engineering Construction Works - Kerb and Gutter, Footpaths, Vehicular Crossing, to read as follows:

12. Bond for Engineering Construction Works - Kerb and Gutter, Footpaths, Vehicular Crossing, Sediment and Maintenance Security

A Bond of \$100,000.00 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of any vehicular crossings, kerb and gutter and any footpath paving works, including Sediment Control and Maintenance Security required as part of this consent prior to the issue of any Construction Certificate. An inspection fee is to be paid to Council prior to the issue of a Construction Certificate so that the site may be inspected prior to commencement of works.

The bond will only be refunded upon the completion of a six (6) month maintenance / security period, if the work has been completed in accordance with the approved plans, conditions to the satisfaction of the Principal Certifying Authority. Requests for refunds must be made in writing to Council.

Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure.

E. Modify Condition 20 - Line Marking, to read as follows:

20. Line Marking

All off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement.

Details to be provided on the plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles

F. Modify Condition 24 - Colours and Finishes, to read as follows

24. Colours and Finishes

(a) External Roofing - The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

(b) External Walls - The colours of external walls of the building are to have low reflective colours to suit the natural environment and blend with the landscaped setting for the building.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

G. Add Condition 24A - Landscaped Setbacks, to read as follows:

24A. Landscaped Setbacks

(i) The front setback between the edge of the timber decks facing Brissenden Avenue and the southern boundary is to be 4.0m wide, with landscape screen planting to be provided between the decks and the front fence line.

(ii) The front setback between the edge of the timber decks facing Beach Road and the eastern boundary is to be 2.0m wide, with landscape screen planting to be provided between the decks and the front fence line.

(iii) The side setback between the edge of the timber decks facing western boundary is to be 2.0m wide, with landscape screen planting to be provided between the decks and the front fence line.

The glass sliding doors and windows for all Units within the building may be recessed back within the building up to 1.0m if necessary to increase deck space and comply with the above landscaping requirements.

Details to be provided on the plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Landscaping screen planting and streetscape.

H. Add Condition 24B - Setback to the Northern Boundary, to read as follows:

24D. Setback to the Northern Boundary

The setback to the northern boundary (including the basement wall) is to be increased to not less than 600mm setback to enable transition in site levels and border landscaping to the adjacent public park.

Details to be provided on the plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Landscaping amenity and site levels transition.

I. Add Condition 24C - Front Boundary Fencing, to read as follows:

24C. Front Boundary Fencing

The front boundary fencing along Beach Road and Brissenden Avenue is to be a maximum height of 1.5m above existing ground level, of open style construction with suitable articulation to incorporate landscaping elements and required tree protection.

Details to be provided on the plans to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Streetscape amenity.

J. Modify Condition 33 - Tree Protection, to read as follows:

33. Tree Protection

All trees which are not listed as exempt or noxious in Warringah may be removed. All trees shown to be retained on the site plan "Level 2 Floor Plan DA-102" dated 37/712 drawn by *WMK Architecture* are to be protected. In addition, approval is NOT granted for the removal of the following trees: Two (2) *Casurina* Trees in front of Unit 1 and Unit 2 which Council has determined should be retained with the site landscaping. The adjacent deck and fence are to be constructed to avoid damage to these trees.

Tree protection measures are to be installed and maintained in compliance with AS4970-2009:Protection of Trees.

Reason: Landscape amenity.

K. Delete Condition 36 - Sydney Water, as follows:

36. [Deleted]

I. Delete Condition 54 - Tree Protection, as follows:

54. [Deleted]

M. Delete Condition 61 - Restriction as to User for On-site Stormwater Detention, as follows:

61. [Deleted]

N. Delete Condition 63 - Registration of Encumbrances for On-site Stormwater Detention, as follows:

63. [Deleted]

O. Delete Condition 64 - Positive Covenant for On-site Stormwater Detention, as follows:

64. [Deleted]

P. Delete Condition 65 - On-site Stormwater Detention Compliance Certification, as follows:

65. [Deleted]

Q. Modify Condition 67 - Certification Stormwater Drainage Works, to read as follows:

67. Certification of Stormwater Drainage Works

An appropriately qualified and practising Civil Engineer shall certify to the Council / Principal Certifying Authority that the stormwater drainage system was constructed in accordance with this consent for the plans 11954-DA-C102, dated 5/7/12, 11954-DA-C101, dated 5/7/12, 11954-DA-C200 dated 29/5/12, 11954-DA-C250 dated 29/05/12 as prepared by *Henry and Hymas* Consultant Engineers.

The applicant shall, upon completion of the development works and prior to the issue of any Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

Reason: Compliance with approved engineering plans.

Important Information

This letter should therefore be read in conjunction with the conditions of consent under **REV2008/0036 approved 25 March 2009** (Review of DA2006/0896).

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority

Signature _____

Name Alex Keller, Development Assessment Officer

Date 18/10/2012